

REMARKS

Claims 1-19 and 26-33 are pending in the application. Claims 1,2,9-11, 14-19, 26-30, and 33 are rejected. Claims 3-8, 12, 13, 31 and 32 are objected to by the Examiner. Objections and rejections are addressed below in substantially the same order as in the office action.

CLAIM OBJECTIONS

Claim 17 is objected to because of the following informalities: In line 2, no antecedent basis could be found for "said at least one side pocket mandrel". Applicant has corrected claim 17 to remove the antecedent basis error.

REJECTIONS UNDER 35 USC § 112

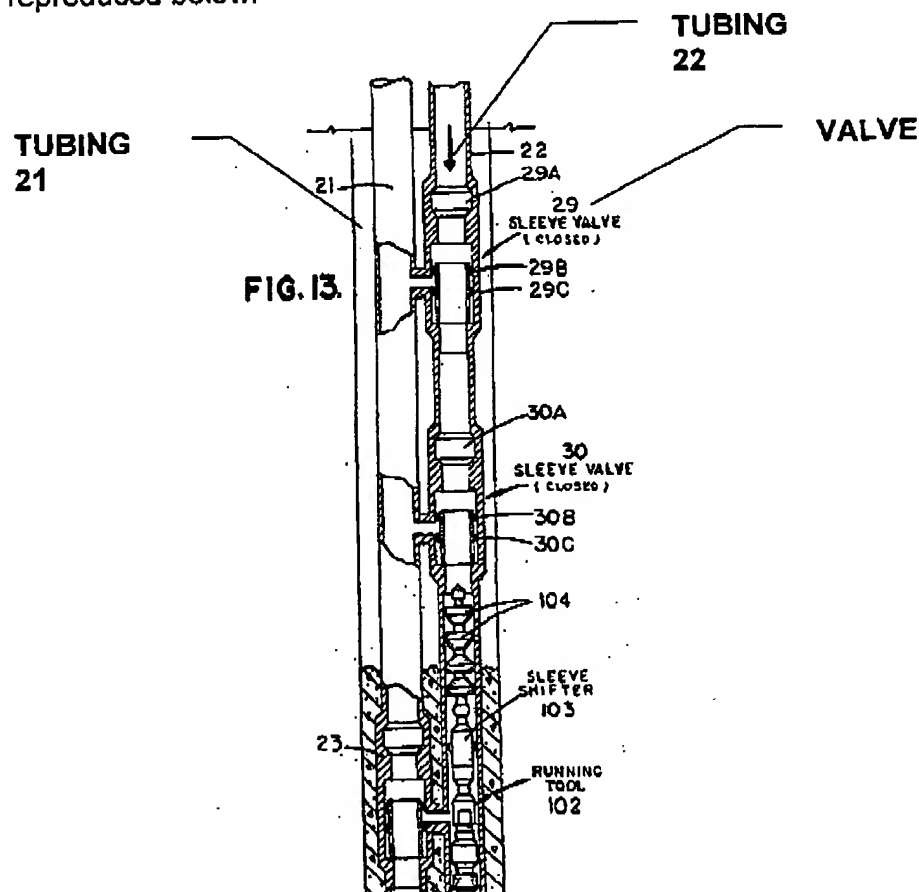
Claim 33 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claim 33 to depend from claim 28 rather than from canceled claim 24.

OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 16-19 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 co-pending Application No. 10/676134. The Examiner contends that although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims are substantially identical except for the instant claims, in the preamble, calls for gas lifted fluid extraction. Applicant furnishes herewith a terminal disclaimer to traverse this rejection.

REJECTIONS UNDER 35 USC § 102

Claims 1, 2, 9-11, 14-19 and 26-30 stand rejected under 35 USC 102 as being anticipated by Reistle, III et al (3,653,435). The Examiner contends that Reistle discloses a well completion apparatus and method of completing a well. In part, the Examiner contends that "Sliding sleeve valves are provided in the assembly that have flow ports that can be moved between open and closed positions that provide of block communication between the flowbore and the annulus." Applicant respectfully submits that Reistle does not show a sliding sleeve valve or any other type of valve that selectively blocks communication between the flowbore and the annulus. Applicant could find only one sliding sleeve valve in Reistle, which is best shown in Figure 13. The relevant portion of Figure 13 is reproduced below:



As can be seen, the sleeve valves 29 and 30 control fluid communication between the first casing string 21 and the second casing string 22.

Independent Claims 1, 10, 16 and 28

With respect to claim 1, the valves 29 and 30 of Reistle clearly do not control fluid flow between a tubular flowbore and an annulus of a well. Nor is there any suggestion in Reistle as to controlling flow between a tubular flowbore and a wellbore annulus. Thus, Applicant submits that claim 1 is allowable over the prior art of record.

With respect to amended claim 10, the valves 29 and 30 of Reistle clearly do not selectively permit gas in the annulus to flow into the flowbore. Nor is there suggestion of same. Thus, Applicant submits that amended claim 10 is allowable over the prior art of record.

With respect to amended claim 16, Reistle clearly teach a method that includes admitting gas from a wellbore annulus into a flowbore via a mandrel. Rather, gas is admitted from one tubing flowbore to the other tubing flowbore via the valves 29 and 30. Thus, Applicant submits that amended claim 16 is allowable over the prior art of record.

With respect to amended claim 28, Reistle clearly teach a method that includes using an artificial lift pump that flows gas into the annulus. Rather, gas is flows downhole through one of the tubing flowbores. Thus, Applicant submits that amended claim 28 is allowable over the prior art of record.

Independent Claims 1, 10, 16 and 28


With respect to dependent claims 2, 9, 11, 15, 17-19, 26,27, 29 and 30, these claims depend from an independent claim that Applicant believes to be in condition for allowance. Accordingly, these claims should be allowable on at least those grounds.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0429 (284-36499-US).

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I do hereby certify that this correspondence is being transmitted via facsimile, to the Commissioner for Patents, Examiner William P. Nueder, Facsimile No. (571) 273-8300 on this 16th day of December, 2005.


Margaret A. Pruitt